

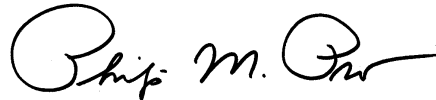


1 counsel. For the reasons set forth in Plaintiff United States' Opposition (Doc. #126)  
2 the Court finds Cernak has procedurally defaulted on these two claims.

3 Finally, the Court finds that Defendant Cernak has failed to demonstrate  
4 that his attorney's performance was ineffective under the standards set forth in  
5 Strickland v. Washington, 466 U.S. 668 (1984).

6 **IT IS THEREFORE ORDERED** that Defendant Michael Cernak's  
7 Motion Pursuant to 28 U.S.C. §2255 to Vacate, Set Aside or Correct Sentence by a  
8 Person in Federal Custody (Doc. #124) is **DENIED**.

9 DATED: August 9, 2010.

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13 PHILIP M. PRO  
United States District Judge  
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